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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,670

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EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,670

Applicant(s)

ELIZONDO ET AL.

Examiner

George D. Spisich

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 22, 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7, 12, 15-17 and 20-34 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-11, 13, 14, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 8, line 1, claim 10, line 13, claim 11, line 13, there is claimed "the one belt restraint arrangement". It is unclear which belt arrangement is being claimed (either the 3 or 4 point or the 5 point) and it appears that it would contradict the selection of only a four point arrangement.

In claim 19, line 5, there is claimed "a buckle mechanism". Claim 19 depends from claim 15 which (in line 15) claims "a buckle". It is unclear if these elements are the same element (and "said" should be used in claim 19) or if this is a different "mechanism".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,8,9,13,14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (USPN 3,052,432).

Martin discloses a restraint system for a vehicle seat that provides a seat occupant options for multiple seat belt arrangements, the restraint system comprising a plurality of anchor points at predetermined location about the seat for seat belt webbing. The amended limitation that at least one anchor point is "mounted to a permanent structure of the vehicle" is present in the arrangement of Martin. The term "permanent" does not inherently overcome the structure of Martin as any portion of the vehicle can be removed yet when installed in the vehicle would still be considered "permanent". The arrangement of Martin could be arranged as one of a three or a four point arrangement. At least a four point arrangement is shown in Figure 2 if the anchor point between the legs of the occupant is not used, which would be an "option" of the occupant. Also, there is a five point arrangement that is an option of the occupant. The seat has opposed lateral sides, the plurality of anchor points comprise a pair of points along each side of the seat, and the seat belt webbing includes a first belt member each side of the seat extending between one of the pairs of anchor points along one side of the vehicle seat, and a second belt member extending between the other of the pairs of anchor points along the other side of the seat.

The Martin arrangement has the "option" for the occupant to arrange either multiple 3 point arrangements, a four point arrangement and a five point arrangement (this is a total of 4 "options").

The connector (16) allows for a left shoulder belt and right and left laps belts (one 3 point), a right shoulder belt and right and left lap belts (a second 3 point symmetrical to the first), both shoulder belts and lap belts (a four point) and then an additional belt between the legs (a five point). This connector has at least a dual buckle to each of the tongues in the five point arrangement.

The vehicle seat includes seat framework and the vehicle seat is mounted within the vehicle having a vehicle structure and the anchor points are mounted to one of the seat framework and the vehicle structure. Martin discloses the seat belt arrangement to be anchored to member 1 (shown in Figure 1). This member is disclosed as a frame and is considered to be a point "located off the vehicle seat" since the seat is element 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,8,9,13,14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker (USPN 5,306,044) in view of Martin (USPN 3,052,432).

Examiner maintains that Martin shows at least one of the anchors is "mounted to a permanent structure of the vehicle" but has further rejected the claims.

Tucker discloses a restraint system for a vehicle seat that provides a seat occupant options for multiple seat belt arrangements, the restraint system comprising a plurality of anchor points at predetermined location about the seat for seat belt webbing. The arrangement of Tucker could be arranged as one of a three or a four point arrangement. The seat has opposed lateral sides, the plurality of anchor points comprise a pair of points along each side of the seat with at least one anchor point mounted to a permanent structure of the vehicle, and the seat belt webbing includes a first belt member each side of the seat extending between one of the pairs of anchor points along one side of the vehicle seat, and a second belt member extending between the other of the pairs of anchor points along the other side of the seat.

The Tucker arrangement has the "option" for the occupant to arrange either multiple 3 point arrangements (a right shoulder and both lap portions, or a left shoulder and both lap portions), and a four point arrangement.

The connector (12) allows for a left shoulder belt and right and left laps belts (one 3 point), a right shoulder belt and right and left lap belts (a second 3 point symmetrical to the first), and both shoulder belts and lap belts (a four point).

The vehicle seat includes seat framework and the vehicle seat is mounted within the vehicle having a vehicle structure and the anchor points are mounted to one of the seat framework and the vehicle structure. Tucker discloses the seat belt arrangement to be anchored to member 102 (shown in Figure 1) located off of the vehicle seat.

However, Tucker does not disclose an anchor or connector for a five point arrangement option.

Martin discloses a five point arrangement with the 5th point arrangement between the legs of the occupant and provides a connector which accommodates the connection of the seat belt webbing as a five point arrangement. This arrangement provides added stability and security for the vehicle seat occupant.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arrangement of Tucker by adding a belt and connector to provide a five point arrangement as taught by Martin for added stability and security.

Allowable Subject Matter

Claims 4-7,12,15-17 and 20-34 are allowed.

Claims 10,11 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments filed January 22, 2007 have been fully considered but they are not persuasive.

With respect to Applicant's argument that the seat belt arrangement of Martin does not at least one anchor point mounted to a permanent structure of the vehicle, Examiner disagrees and maintains the rejection. The term "permanent" is met by the structure of Martin. Any disclosure that the vehicle may be ejected from the vehicle

does not prevent the structure from being broadly considered permanent at least prior to ejection/removal. For that matter, many or all parts of the vehicle are "removable".

With respect to Applicant's argument that Martin would not properly teach a 5 point arrangement so as to modify the seat belt arrangement of Tucker, Examiner disagrees and maintains the rejection. The addition of a 5th anchor point would more stably restrain the occupant in the seat of Tucker and is properly taught by Martin.

With respect to the new 112 rejections in this Office Action, the phrase "the one belt arrangement" does not clearly relate to a particular belt arrangement. Furthermore, it appears that the remainder of the paragraphs including this language more specifically relates to a first and second 3 point arrangement. Examiner is reading the limitation "one of a 3 point and a four point" to only be positively claiming one of the two. Therefore, if a four point is being claimed, the paragraph including "a first and a second three point" would lack antecedent basis by claiming a second three point arrangement. There has been repeated confusion in this claim language. The confusion appears to be relating to the phrase "one of a three-pointand a four-point". This limitation is only requiring the structure of one of these arrangements (and therefore the other structure is not being positively claimed). If Applicant is intending to claim each arrangement, Examiner suggests deleting "one of" and positively claiming "a three point.....; a four point....; a five point". However, even though this language would be clear, Martin and Tucker either alone or in combination teach the structural limitations of claims 1-3, 8,9,13,14 and 18.

Conclusion


Due to the new 112 rejections in this Office Action, this Office Action is Non-Final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich
April 30, 2007



4/30/07
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